

MANDATE

EDNY (Brooklyn)  
04-CV-249  
Traeger

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 2<sup>nd</sup> day of November, two thousand and nine.

PRESENT: DENNIS JACOBS,  
*Chief Judge,*  
JOSEPH M. MCLAUGHLIN,\*  
GUIDO CALABRESI,\*\*  
JOSÉ A. CABRANES,  
ROSEMARY S. POOLER,  
ROBERT D. SACK,\*\*  
SONIA SOTOMAYOR,\*\*\*  
BARRINGTON D. PARKER,\*\*  
REENA RAGGI,  
RICHARD C. WESLEY,  
PETER W. HALL,  
DEBRA ANN LIVINGSTON,  
*Circuit Judges*  
ROBERT D. KATZMANN,  
*Circuit Judge,* took no part in the consideration or decision of the case.



FILED  
CLERK  
2010 JAN 22 PM 2:18  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Maher Arar,

Plaintiff-Appellant.

v.

JOHN ASHCROFT, Attorney General of the United States,  
LARRY D. THOMPSON, formerly Acting Deputy Attorney General,  
TOM RIDGE, Secretary of State of Homeland Security, J. SCOTT  
BLACKMAN, formerly Regional Director of the Regional Office of  
Immigration and Naturalization Services, PAULA CORRIGAN,  
Regional Director of Immigration and Customs Enforcement,  
EDWARD J. MCELROY, formerly District Director of Immigration  
and Naturalization Services for New York District, and now Customs  
Enforcement, ROBERT MUELLER, Director of the Federal Bureau  
of Investigation, JOHN DOE 1-10, Federal Bureau of Investigation  
and/or Immigration and Naturalization Service Agents, and JAMES  
W. ZIGLAR, formerly Commissioner for Immigration and Naturalization  
Services, United States,

Defendants-Appellees.

**JUDGMENT**

Docket No. 06-4216-cv

ISSUED AS MANDATE:

January 15, 2010 MR

Docket No. 06-4216-cv  
Page 2

November 2, 2009

The appeal in the above captioned case from a judgment of the United States District Court for the Eastern District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that after in banc rehearing, the panel opinion is VACATED and the judgment of the district court is AFFIRMED.

A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk  
by Maria Rodriguez  
DEPUTY CLERK

FOR THE COURT,  
Catherine O'Hagan Wolfe,  
Clerk

By: Joy Fallick  
Joy Fallick, Administrative Attorney

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\* Senior Circuit Judge McLaughlin was a member of the initial three-judge panel that heard this appeal and is therefore eligible to participate in in banc rehearing. See 28 U.S.C. § 46 (c)(1).

\*\* Senior Circuit Judges Calabresi, Sack, and Parker, who assumed senior status during the course of in banc proceedings, are entitled to participate pursuant to 28 U.S.C. § 46 (c)(2).

\*\*\* The Honorable Sonia Sotomayor, who was originally a member of the in banc panel and who participated in oral argument, was elevated to the Supreme Court on August 8, 2009.